

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

NORTH CAROLINA STATE  
CONFERENCE OF THE NAACP, *et*  
*al.*,

*Plaintiffs,*

v.

ALAN HIRSCH, in his official capacity  
as Chair of the North Carolina State  
Board of Elections, *et al.*,

*Defendants,*

and

PHILLIP E. BERGER, in his official  
capacity as President Pro Tempore of the  
Senate, *et al.*,

*Legislative Defendants-Intervenors.*

No. 1:18-cv-01034

**PLAINTIFFS' NOTICE REGARDING  
PLAINTIFFS' PREVIOUSLY FILED  
MOTIONS (ECF NOS. 254 & 257-260)  
TO EXCLUDE CERTAIN DEFENSE  
EXPERTS**

Plaintiffs North Carolina State Conference of the NAACP, Chapel Hill - Carrboro NAACP, Greensboro NAACP, High Point NAACP, Moore County NAACP, Stokes County Branch of the NAACP, and Winston Salem - Forsyth County NAACP ("Plaintiffs") submit this notice to advise the Court that it need not decide certain motions filed by Plaintiffs to exclude potential defense experts and instead may hold those motions in abeyance or dismiss them without prejudice.

On April 12, 2024, Plaintiffs filed certain motions which sought to exclude the testimony of the Legislative Defendants five potential expert witnesses. *See* ECF No. 254 & 257-260. Each motion noted that Legislative Defendants had not yet made witness

list disclosures pursuant to Rule 26(a)(3), and that the motions were being made in the event Legislative Defendants intended to present testimony from any of the individuals.

Since Plaintiffs filed these motions, the Legislative Defendants subsequently served their Rule 26(a)(3) witness lists on April 15, 2024. ECF No. 262. Because the Legislative Defendants did not list any of these experts, Plaintiffs respectfully submit that the Court need not decide these motions at this time and instead may hold them in abeyance or dismiss them without prejudice.

For the Court's reference, the motions at issue are:

- Plaintiffs' Motion *in Limine* to Exclude Opinion Testimony of Dr. Paul Gimpel, ECF No. 254.
- Plaintiffs' Motion *in Limine* to Exclude Opinion Testimony of Mr. Ken Block, ECF No. 257.
- Plaintiffs' Motion *in Limine* to Partially Exclude Opinion Testimony of Dr. Janet Thornton, ECF No. 258.
- Plaintiffs' Motion *in Limine* to Exclude Opinion Testimony of Dr. Keegan Callanan, ECF No. 259.
- Plaintiffs' Motion *in Limine* to Exclude Opinion Testimony of Dr. M.V. Hood III, ECF No. 260

Plaintiffs appreciate the Court's attention to this matter.

Dated: April 18, 2024

Respectfully submitted,

By: /s/ Preston Smith

Preston Smith

D.C. Bar No. 1002179

Jeremy C. Karparkin

D.C. Bar No. 980263

John Freedman

D.C. Bar No. 453075

**ARNOLD & PORTER KAYE**

**SCHOLER LLP**

601 Massachusetts Avenue, NW  
Washington, DC 20001-3743  
Phone: (202) 942-6603  
[Jeremy.Karpatkin@arnoldporter.com](mailto:Jeremy.Karpatkin@arnoldporter.com)

Caitlin A. Swain  
NC Bar No. 57042  
Kathleen E. Roblez  
NC Bar No. 57039  
Ashley Mitchell  
NC Bar No. 56889  
**FORWARD JUSTICE**  
P.O. Box 1932  
Durham, NC 27721  
Phone: (919) 323-3889  
[cswain@forwardjustice.org](mailto:cswain@forwardjustice.org)  
[kroblez@forwardjustice.org](mailto:kroblez@forwardjustice.org)  
[amitchell@forwardjustice.org](mailto:amitchell@forwardjustice.org)

By: /s/ Penda D. Hair  
Penda D. Hair  
DC Bar No. 335133  
**FORWARD JUSTICE**  
P.O. Box 42521  
Washington, DC 20015  
Phone: (202) 256-1976  
[phair@forwardjustice.org](mailto:phair@forwardjustice.org)

By: /s/ Irving Joyner  
Irving Joyner  
NC State Bar No. 7830  
P.O. Box 374  
Cary, NC 27512  
Phone: (919) 319-8353  
[ijoyner@nccu.edu](mailto:ijoyner@nccu.edu)

*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I electronically filed the foregoing PLAINTIFFS' WITNESS LIST with the Clerk of Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

This, the 18th day of April 2024.

/s/ Preston Smith

Preston Smith